

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CYNTHIA DONALD,	)	
	)	
Plaintiff,	)	
	)	Case No. 20 CV 6815
	)	
	)	Hon. Elaine E. Bucklo
	)	
CITY OF CHICAGO, et al.,	)	Magistrate Judge Jeffrey Cole
	)	
Defendant.	)	

**DEFENDANT JOHNSON’S RULE 56.1(a)(2) STATEMENT OF MATERIAL FACTS**

Defendant, Eddie Johnson, by and through his undersigned counsel, states as follows as his Rule 56 Statement of Facts in support of his Motion for Summary Judgment:

1. Even before she worked for Mr. Johnson, Ms. Donald already knew Mr. Johnson, and had previously hung out with him, socialized with him, and drank with him. *See* Donald dep. transcript, submitted by the Defendant City in support of its Motion for Summary Judgment. Ms. Donald thought he was a good guy and had fun hanging out with him. *Id.* at p. 135:5-9.
2. Over a long period of time while working with Mr. Johnson, Ms. Donald, repeatedly told Mr. Johnson that she loved him. *Id.* at p. 12:17-25.
3. During that time period, Ms. Donald had an intimate relationship with Mr. Johnson which included her telling him a lot about her own personal life. *Id.* at pp. 135:24-136:14; 142:1-146:1.
4. Prior to her relationship with Mr. Johnson, Ms. Donald had previously had a sexual relationship with a married man. *Id.* at p. 141:3-6.
5. Ms. Donald introduced Mr. Johnson to her mother. *Id.* at pp. 24: 24-25:1.
6. Ms. Donald invited Mr. Johnson over to her mother’s house in 2018 or 2019. *Id.* at pp.

28:11-30:7. On that occasion, Ms. Donald and Mr. Johnson hung out with Ms. Donald's mom and sisters for about two hours. *Id.*

7. Ms. Donald also introduced Mr. Johnson to her sisters. *Id.* at p. 13:18-22; 14:25-16:4.

8. Ms. Donald told Mr. Johnson that she loved him on numerous occasions. *Id.* at p. 241:22-242:12; 243:8-244:4.

9. Ms. Donald told people that Mr. Johnson was her "boyfriend." *Id.* at pp. 24:16.

10. Ms. Donald initiated and threw a birthday party for Mr. Johnson. *Id.* at pp. 23:1-6; 24:9- Ms. Donald threw that party because she thought Mr. Johnson was such a good guy and good friend, and special boss. *See* Claudio Salgado deposition transcript, submitted herewith, at p. 35:24-36:23.

11. Ms. Donald invited her mother to that birthday party; she attended; and thereafter Ms. Donald and her mother exchanged pictures from the party with each other. Donald dep. at pp. 278:7-279:1.

12. Ms. Donald introduced Mr. Johnson to her friends. *Id.* at p. 39:11-14; 45:13-18.

13. Ms. Donald introduced Mr. Johnson to her hairdresser. *Id.* at p. 395:17-21.

14. Ms. Donald texted Mr. Johnson outside of work hours on a regular basis. *Id.* at pp. 231:11-20.

15. In her non-work communications with Mr. Johnson, she referred to and called him "BAE," short for "Babe." *Id.* at p. 325:2-7.

16. Ms. Donald sent Mr. Johnson pictures of her underwear on dozens of occasions. *Id.* at p. 237:9-22.

17. Ms. Donald sent Mr. Johnson pictures of her breast and other body parts on numerous occasions. *Id.* at p. 248:8-249:6.

18. Ms. Donald never told Mr. Johnson that she did not want to send him the types of pictures of her referenced in paragraphs 13 and 14 above. *Id.* at p. 249:14-17.

19. In response to one of Mr. Johnson's texts to her about what was for lunch, Ms. Donald responded, "Me." *Id.* at p. 253-3:21.

20. On Christmas day, Ms. Donald texted Mr. Johnson to tell him he was "handsome." *Id.* at pp. 256:18-257:1.

21. On another occasions, Ms. Donald texted Mr. Johnson to tell him, "**I love you great man.**" *Id.* at p. 263:11-18 (emphasis added).

22. On another occasion. Ms. Donald texted Mr. Johnson to tell him that she was taking a bath and told him to come over to her house. *Id.* at p. 261:8-263:1.

23. On Father's Day, Ms. Donald emailed Mr. Johnson, and stated:

**Happy Father's Day to a very special man Please enjoy and reflect on this day your accomplishments as one of the greatest black dads the world. I love you.**

*Id.* at p. 264:12-18 (bold and underlined added).

24. On another occasions, Ms. Donald sent Mr. Johnson a series of texts in which she called him "cutie" in one and "handsome in another." *Id.* at p. 275:5-11.

25. On another occasions, Ms. Donald and Mr. Johnson exchanged texts in which they told each other that they love one another. *Id.* at pp. 279:5-280:20.

26. On another occasion, Ms. Donald texted Mr. Johnson pictures of her son. *Id.* at p. 282:3-10.

27. Ms. Donald referred to Mr. Johnson's wife as a "BITCH" and "mad dog." *Id.* at p. 286:3-18 (all caps in original); 287:1-7.

28. By way of her communications with Mr. Johnson, Ms. Donald wanted him to believe that

they were having an affair. *Id.* at p. 325:2-16.

29. Even Ms. Donald agreed and admitted that someone looking at or receiving those communications would believe that a “genuine relationship” between her and Mr. Johnson was taking place. *Id.* at p. 326:6-13.

30. Ms. Donald and Mr. Johnson regularly and consensually hung out in hotel rooms in the City and ate, drank, and talked. *Id.* at pp. 257:22-261:4.

31. Ms. Donald went out socializing with her friends and Mr. Johnson, including to bars and restaurants, and with Mr. Johnson’s friends. *Id.* at pp. 40:17-42:14; 46:2-8; 47:10-16; 56:16-57:16; 75:1-76:1; 76:24-77:6.

32. Ms. Donald admitted that she engaged in those activities, and that no one forced or pressured to engage in them. *Id.* at pp. 49:20-50:1.

33. Ms. Donald never told Mr. Johnson that she did *not* want to have sexual relations with him, *including while they were having sexual relations*. *Id.* at p. 54:2-5; 129:1-130:23; 293:21-23.

34. Ms. Donald claimed that she was “faking” having fun with Mr. Johnson. *Id.* at p. 60:16-23; 65:11-66:2; 68:4-10.

35. Ms. Donald admitted that she was attempting to make Mr. Johnson believe that she cared for him. *Id.* at p. 292:20-22.

36. Ms. Donald considered herself friends and friendly with Mr. Johnson. *Id.* at p. 189:13-19.

37. As part of their relationship, Ms. Donald went on trips to other cities with Mr. Johnson, including London, Springfield, New York, and New Orleans. *Id.* at pp. 77:22-79:2; 80:19-25; 86:25-87:21; 92:17-19; 97:24-98:1; 267:3-19.

38. On the Springfield trips, Ms. Donald slept with Mr. Johnson, and did not tell him no.

*Id.* at pp. 89:24-90:11.

39. On the New Orleans trip, Ms. Donald and her sister hung out with Mr. Johnson and went drinking. *Id.* at pp. 99:8-100:3. Ms. Donald slept with Mr. Johnson on both of the nights in New Orleans. *Id.* at p. 101:7-19.

40. On yet another occasions, Ms. Donald and Mr. Johnson drove to another city to see a Anita Baker concert together, but Ms. Donald claimed she could not even remember the name of that city. *Id.* at p. 104:5-105:25. On that trip, Ms. Donald again slept with Mr. Johnson. *Id.* at pp. 109:21-110:2.

41. Ms. Donald claimed that she could not recall if she went on yet another trip with Mr. Johnson, this time to San Diego. *Id.* at pp. 208:19-209:13.

42. Ms. Donald went to Blue Man Group with Mr. Johnson. *Id.* at p. 395:17-21.

43. Ms. Donald never complained to Human Resources about Mr. Johnson, or reported him. *Id.* at pp. 112:2-18. Likewise, Ms. Donald never complained to Internal Affairs about Mr. Johnson or reported him. *Id.* at pp. 114:24-115:4.

44. Ms. Donald never filed a Charge of Discrimination against the City or Mr. Johnson, even though she had prior experience with filing a Charge of Discrimination. *Id.* at pp. 116:15-117:25; 119:2-4.

45. After Ms. Donald's relationship with Mr. Johnson became known publicly, and unbeknownst to Mr. Johnson, Ms. Donald was planning to file a lawsuit against the City and him, and Ms. Donald had Mr. Johnson drive her to her attorneys' offices downtown – but did not tell him she was going to meet with her lawyers, nor that part of her plan was to sue Mr. Johnson. *Id.* at p. 147:9-19; 152:4-9; 154:8-13; 202:16-20.

46. After Ms. Donald's relationship with Mr. Johnson became known publicly, Ms. Donald

also met with Mr. Johnson on other occasions. *Id.* at p. 167:5-7; 182:10-20.

47. This included inviting and having Mr. Johnson over to, and in her own house. *Id.* at p. 178:11-14; 192:10-12; 192:16-19; 195:20-22. Ms. Donald did *not* tell her husband that she was having Mr. Johnson over and into their house. *Id.* at p. 194:13-24.

48. This also included a meeting with him at a restaurant downtown. *Id.* at p. 184:2-3.

49. This also included another occasion in **February 2020** where she sat and had drinks with Mr. Johnson his friends at a bar at 100<sup>th</sup> and Torrance, after driving over to that bar where they were hanging out. *Id.* at pp. 216:21-223:7. She sat next to Mr. Johnson on that occasion. *Id.*

50. Ms. Donald also met with the Inspector General (“IG”) about Mr. Johnson, and testified that she did **not** lie to them. *Id.* at p. 189:4-6. She admitted that she was asked about Mr. Johnson and the nature of their relationship, and she did **not** claim to the IG that Mr. Johnson had ever sexually harassed her or done anything wrong, or that their relationship was in any way non-consensual. *Id.* at p. 189:20-24; 190:25-191:6.

51. Ms. Donald met with the IG for a second time; was again questioned about the nature of her relationship with Mr. Johnson; claims that she was again entirely truthful; and again did **not** claim that Mr. Johnson has ever sexually harassed her and done anything wrong, or that their relationship was in any way non-consensual. *Id.* at pp. 203:9-204:15.

52. Ms. Donald also met with outside counsel Tom Needham, who also asked her questions about Mr. Johnson and her relationship with him; she answered those questions truthfully; and she did not claim that her relationship with Mr. Johnson was non-consensual or that Mr. Johnson had ever sexually harassed her and done anything wrong. *Id.* at pp. 205:6-207:10.

53. Ms. Donald knew that the City of Chicago’s rules and the Chicago Police Departments rules prohibited sexual harassment and sexual assault; that she had a duty to report any such

conduct; but she never reported any such conduct by Mr. Johnson. *Id.* at pp. 298:22-300:4; 353:12-17.

54. Ms. Donald's husband took her "SIM card" out of her work phone. *Id.* at p. 342:13-22. Yet, Ms. Donald filed the present lawsuit, without any factual basis, claiming that Mr. Johnson took it. *Id.* at pp. 405:14-407:8.

55. Prior to meeting with her attorneys regarding this case, Ms. Donald had never sought any mental health treatment or counseling. *Id.* at p. 403:19-24.

56. In January 2019, Ms. Donald spoke to her friend and fellow CPD Officer Claudio Salgado Yanez ("Salgado"). *See* Salgado deposition transcript, submitted herewith, at pp. 17:17-18:15; 18:23-19:12. Ms. Donald told Salgado that Mr. Johnson was a very good person; that she enjoyed working for Mr. Johnson; that she was very happy working for Mr. Johnson; that she thought working for Mr. Johnson was a good opportunity; and that she had a lot of respect for Mr. Johnson. *Id.*

57. In February or March 2019, Ms. Donald brought Mr. Johnson out to dinner as her date to meet with Salgado and some of his friends. *Id.* at pp. 19:13-22:24; 25:11-13.

58. Later in 2019, Ms. Donald and Mr. Johnson joined Salgado at another dinner outing. *Id.* at pp. 27:12-32:22.

59. In the March/April 2020 time period, Ms. Donald contacted Salgado. *Id.* at pp. 53:21-23. During these communications, Ms. Donald attempted to "bribe" Salgado. *Id.* at pp. 57:2-59:21; 59:22-61:12; 62:14-63:2.

60. Ms. Donald told Salgado that, if he helped him in her lawsuit and say things about Mr. Johnson, she would "take care" of him by giving him money from the proceeds to pay for the healthcare of his (Salgado's) father, and that she would see to it that he got a promotion. *Id.* at

pp. 59:22-61:12; 62:14-63:2; 78:9-13.

61. Ms. Donald further explained that the City always settles its lawsuits, and that as part the settlement of her claims, she would get a promotion out of it – and could, in turn, get Salgado promoted. *Id.* at pp. 63:3-64:6.

62. Salgado turned down Ms. Donald’s attempt to bribe him to take against with her against Mr. Johnson. *Id.* at pp. 65:18-24; 67:8-13; 78:9-13.

63. Subsequently, Ms. Donald continued to contact Salgado in further attempts to bribe him by contacting him from a variety of different phone numbers. *Id.* at pp. 67: 8-13; 69:16-21; 71:17-72:12; 78:9-13.

**RESPECTFULLY SUBMITTED,**

**By: s/Michael I. Leonard  
Counsel for Mr. Johnson**

**LEONARD TRIAL LAWYERS**

Michael I. Leonard  
Matthew Chivari  
120 North LaSalle, 20<sup>th</sup> Floor  
Chicago, Illinois 60602  
(312)380-6659 (direct)  
(312)264-0671 (fax)  
mleonard@leonardtriallawyers.com



**CERTIFICATE OF SERVICE**

I, Michael Leonard, an attorney, certify that I caused a copy of foregoing to be served upon all parties of record by email on May 29, 2023.

By: **s/ Michael I. Leonard**  
**Counsel for Mr. Johnson**